



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200  
DALLAS, TEXAS 75202 – 2733

MAY 10 2016

Mr. J.D. Strong  
Executive Director  
Oklahoma Water Resources Board  
3800 North Classen Blvd.  
Oklahoma City, OK 73118

Dear Mr. Strong:

Through this letter and enclosure, the U.S. Environmental Protection Agency (EPA) is notifying you of the results of its review of revisions to Oklahoma's Water Quality Standards (*Oklahoma Administrative Code* (OAC) Title 785, Chapter 45) received by EPA on January 28, 2016. These revisions to the standards were adopted in final form by the Oklahoma Water Resources Board (OWRB) on June 8, 2015, became effective as State law on September 11, 2015, and were certified by the Oklahoma Attorney General on November 17, 2015. EPA considers the adoption of the revisions to the State's standards by the OWRB, along with the public review and comment process, to be consistent with and satisfy the procedural requirements identified in the *Code of Federal Regulations* (CFR) at 40 CFR Part (§) 131.20.

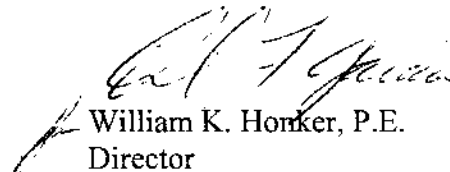
We are pleased to inform you that the EPA is approving all of the new and revised water quality standards included in OWRB's January 11, 2016, WQS submittal pursuant to §303(c) of the Clean Water Act (CWA) and the implementing regulation at 40 CFR §131. Please be advised that EPA is not approving the Oklahoma water quality standards for those waters or portions of waters located in Indian Country, as defined in 18 U.S.C. § 1151. EPA's approval is documented in Parts II and III of the enclosed Technical Support Document (TSD). This approval action includes the revisions summarized in the list below.

- Several amendments clarifying language associated with dissolved oxygen criteria:
  - striking the use support assessment language found in OAC 785:45-5-12(f)(1)(D);
  - modifying OAC 785:45-5-12(f)(1)(C) to include (i) and (ii) which will retain the provisions that pertain to acute dissolved oxygen events; and
  - amending Table 1 of Appendix G with two additional footnotes clarifying how the 10% exceedance frequency is to be used and specifying where the warm Water Aquatic community (WWAC) dissolved oxygen criteria apply in lakes.
- Revisions to Requirements For Development of Site-Specific Criteria For Certain Parameters, Appendix E, that include:
  - the addition of a site specific Water Effect Ratio and Dissolved Translator standards for use in calculating permit limits for copper and zinc for the Broken Bow Public Works Authority's OPDES permit related to discharge of municipal and industrial wastewater to a tributary of Yanubbe Creek.

As noted in Part III of the enclosed TSD, EPA is approving specific dissolved oxygen provisions contained in the submittal, and the site-specific metals criteria for the City of Broken Bow Public Works Authority, subject to the outcome of consultation with the U.S. Fish and Wildlife Service under §7(a)(2) of the Endangered Species Act (ESA). EPA initiated informal consultation with the Service on these revisions by letter dated February 10, 2016 (enclosed). By approving the standards subject to the outcome of consultation, EPA has explicitly stated that it retains its discretion to take appropriate action if the consultation identifies deficiencies in the standards requiring remedial action by EPA. EPA retains the full range of options available under §303(c) for ensuring water quality standards are environmentally protective.

We would like to commend OWRB for its commitment and hard work in completing this task of reviewing and revising the state's water quality standards. In particular, we want to thank Monty Porter, Rebecca Veiga-Nascimento, and Lynda Williamson of your staff, as well as Jason Childress formerly of your staff, for their diligent efforts to coordinate early and often with my staff in the months leading up to the 2015 rulemaking. Such early and close coordination was beneficial for ensuring an effective and timely review of this standards submittal. We look forward to our continued coordination during the next review. If you have any questions or concerns, please contact me at (214) 665-7101, or have your staff contact Shannon Snyder at (214) 665-3134.

Sincerely,



William K. Honker, P.E.  
Director  
Water Division

Enclosures

cc: Mr. Derek Smithee, Water Quality Programs Division Chief  
Oklahoma Water Resources Board

Ms. Shellie Chard-McClary, Water Quality Division Director  
Oklahoma Department of Environmental Quality

Ms. Shanon Phillips, Water Quality Director  
Oklahoma Conservation Commission

Ms. Jonna Polk  
U.S. Fish and Wildlife Service